

1 By Solomon - Glinson - Wayne H.J.R. No. 8
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5 A JOINT RESOLUTION
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7 proposing an amendment to Section 5, Article III,
8 Constitution of the State of Texas, as amended,
9 to provide for annual legislative sessions.
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11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
12

13 Section 1. That Section 5, Article III, Constitution of the
14 State of Texas, as amended, be amended to read as follows:

15 "Section 5. The Legislature shall meet in regular session
16 each year at such time as may be provided by law and at other
17 times as convened by the Governor. When convened in odd-numbered
18 years in regular session, the Legislature shall devote the first
19 thirty days to the introduction of bills and resolutions, acting
20 upon emergency appropriations, passing upon the confirmation of
21 the recess appointees of the Governor and such emergency matters
22 as may be submitted by the Governor in special messages to the
23 Legislature; provided that during the succeeding thirty days of
24 such session the various committees of each House shall hold
25 hearings to consider all bills and resolutions and other matters
26 then pending; and such emergency matters as may be submitted by
27 the Governor; provided further that during the following sixty days
28 the Legislature shall act upon such bills and resolutions as may be
29 then pending and upon such emergency matters as may be submitted
30 by the Governor in special messages to the Legislature; provided,
31 however, either House may otherwise determine its order of business
32 during this session by an affirmative vote of four-fifths of its
33 membership.
34

35 "Regular sessions in even-numbered years, commencing in 1972,
36 shall not exceed sixty days and shall be limited to legislation on
37 the subjects of providing funds for the support of functions and
38 activities of the state government and emergency matters submitted
39 by the Governor in messages to the Legislature. At each regular
40 session, commencing in 1971, appropriations shall be made for the
41 support of functions and activities of the state government for the
42 next fiscal year."

43 ~~Sec. 2. The foregoing constitutional amendment shall be~~
44 ~~submitted to a vote of the qualified electors of this state at an~~
45 ~~election to be held on the first Tuesday after the first Monday in~~
46 ~~November, 1970, at which election the ballots shall be printed to~~
47 ~~provide for voting for or against the proposition: "The constitu-~~
48 ~~tional amendment to provide for annual legislative sessions."~~
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CPA-8-69
90 4-16-69

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 3/25/69

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on CONST. AMEND., to whom was referred HJR No. 8, have had the same under consideration and beg to report back with recommendation that it ^{do}~~do not~~ pass, and be printed

John C. Ince
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

BILL ANALYSIS

Background information:

With the ratification of the Constitution of 1876, Texas took leave of annual sessions of the Legislature - an institution which had first been observed under the Republic and subsequently under the Constitution of 1869. Perhaps in those days biennial sessions were a wise choice, but the Texas of 1876 bears little resemblance to the Texas of 1967. Then the population of the entire State was less than that of Harris County today. State government was small, operating at a level of one million dollars per year, while Federal grant-in-aid had just been conceived with passage of the Morrill Act of 1862 which provided for Land Grant Colleges. The entrance of State government into the field of water development, pollution control, recreation, welfare, industrial development, tourism promotion and many more programs were still beyond the conception of our policy makers.

Today, Texas' population is well beyond the 10 million mark, and it's expected to reach 21 million or more by the year 2000. Transportation and communication ties with our sister states are numerous, sophisticated and fast. Texas State government is not only large today, but complicated, spending well in excess of two billion dollars each year while participating in more than 100 Federal grant-in-aid programs. Such are the realities of today's world of government. Moreover, they are not unique in Texas.

If State government is to preserve its position as the keystone of real Democracy it must prepare itself to act, and to react at a pace comparable to the pace at which our society is changing. Few other governing bodies of consequence, whether public or private, attempt to carry on the business of the 20th century during only part of ONE YEAR OUT OF EVERY TWO.

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Facts are, 20 of our sister states have now turned to annual legislative sessions, 16 of them since World War Two, and to provide yearly legislative attention to the duties and responsibilities of State Government. Included are such populous and highly industrialized states as California, Massachusetts, Michigan, New York, New Jersey and Pennsylvania.

What then would be some of the specific advantages of annual sessions in Texas? I have attempted to summarize them as follows, not necessarily in the order of their importance, for I feel them all to be extremely important:

1. APPROPRIATION PROCESS. Budget preparation within state agencies and institutions of higher education must be completed, and requests submitted to the Governor and the Legislative Budget Board at least 16 months prior to the first year of the biennium and 28 months prior to the start of the second year of the biennium. Annual sessions of the legislature would reduce the time span over which agencies are required to estimate their expenditures. This in turn would result in a more accurate flow of budget information to the legislature upon which appropriation decisions could be made for only one year in the future, not for two years.

2. REVENUE ESTIMATES. In like manner, the work of the Comptroller would be simplified if he were called upon to estimate revenues for only one year in advance. Estimates, if in variance with actual revenues, could be corrected yearly. This would decrease the likelihood of unneeded tax measures passed in anticipation of deficits which do not materialize.

3. LEGISLATIVE ALERTNESS. The size and complexity of Texas State government justifies, if not requires, annual sessions. Yearly involvement would insure timely pursuit of the mass of new business before the legislature, and would also allow legislators an opportunity to better

(3)

understand and evaluate the day to day operation of State government.

4. LEGISLATIVE ALERTNESS TO CONGRESSIONAL ACTION. The U. S. Congress is in almost continual session year in and year out. The recent sessions have passed an unprecedented number of grant-in-aid programs directed toward State and local governments. The number of such grant-in-aid programs has increased from 24 in 1945 to 45 in 1962. And finally, at a dizzying pace, to 170 in 1966. In the four years from 1962 through 1966, 125 new grant-in-aid programs passed the Congress. Many of these programs necessitate action by the legislature of each State to pave the way for State or local participation, and in some instances to avoid penalties.

For instance, a bill now before the 90th Congress would require that the Texas State Department of Public Welfare pay the full need (enough to meet 100% of the cost of a minimum necessary living allowance) to recipients of Old Age Assistance. In addition, the amount paid would have to be adjusted each year to the change in cost of living. Texas is now restricted by Constitutional provision to a ceiling of \$60 million in payments. To meet such provisions, three routes would be open to Texas as follows:

- A. Raise the \$60 million ceiling by Constitutional Amendment from time to time.
- B. Remove the constitutional provision and allow the Legislature to raise the ceiling each time an increase is required, or:
- C. Remove the Constitutional provision and allow the Department of Public Welfare, under the watchful eye of the Legislature, to adjust payments as necessary without regard to a ceiling.

Significantly, each of these alternatives testifies to the need for annual sessions of the Legislature. Whether we amend the Constitution at regular intervals, pass laws as needed, or allow administrative discretion, the desirability of regular attention by the Legislature is self evident

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5. NO NEED FOR SPECIAL SESSIONS. The need for special sessions should be drastically reduced if not eliminated altogether. There have been 81 called sessions since 1846 - - - 30 since 1929, the first year with 120 days or more of regular session, clearly indicating that biennial sessions have not provided ample time, even during years when State government was much less complex.

6. LEGISLATURE'S ROLE STRENGTHENED. Annual sessions would strengthen the role of Texas in the Federal system by allowing our Legislature to deal with problems at the time they arise. They would also help maintain the role of the Legislature in State government.

7. PROVIDE ADEQUATE TIME FOR CONSIDERING ALL STATE BUSINESS. Annual sessions would provide more democratic consideration of all matters deserving consideration by the Legislature, for Legislators would have more time to give to each problem.

8. MORE EFFICIENCY. Annual sessions would, beyond a doubt, improve the general knowledge and efficiency, if not the caliber, of the membership of the Texas Legislature.

9. CHECKS AND BALANCES. Annual sessions would provide a more constant system of checks and balances on the operations of the other two branches of State government, and also State agencies, boards, departments, commissions and institutions of higher learning.

Purpose of the resolution:

H.J.R. 8 provides for annual legislative sessions.

Section by section analysis:

Section 1: Amends Art. III, Sect. 5: providing for annual sessions; providing business in odd numbered years to be (a) during the first 30 days, introduction of bills, emergency appropriations, appointments, and emergency matters (b) during the next 30 days, committee meetings and emergency matters (c) during the last 60 days, pending legislation; providing business in even numbered years to be limited to legislation on the subjects of providing funds for the support of functions and activities of the state government and emergency matters in a 60 day session.

Section 2: Submits this to a vote in November 1970.

Summary of Committee Action:

HJR 8 was heard on March 18 and was presented by Mr. Solomon. There were no witnesses. HJR 8 was reported back to the House with the recommendation that it do pass and be printed.

①

CR 4-8-69
H 4-8-69

Maeger
~~Salomon~~

floor

AMENDMENT NO. 1

Amend House Joint Resolution No. 8 by amending Section 2 to read as follows:

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Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on August 5, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual legislative sessions."

APR 8 1969

DATE _____

READ AND ADOPTED, *by non-record vote*

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

JK
47.00
98 4-16-69

By: Solomon, Hinson, Wayne

H.J.R. No. 8

HOUSE JOINT RESOLUTION

proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions. _____

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 5, Article III, Constitution of the State of Texas, as amended, be amended to read as follows: _____

"Section 5. The Legislature shall meet in regular session each year at such time as may be provided by law and at other times as convened by the Governor. When convened in odd-numbered years in regular session, the Legislature shall devote the first thirty days to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of such session the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business during this session by an affirmative vote of four-fifths of its membership. _____

H.J.R. No. 8

"Regular sessions in even-numbered years, commencing in 1972, shall not exceed sixty days and shall be limited to legislation on the subjects of providing funds for the support of functions and activities of the state government and emergency matters submitted by the Governor in messages to the Legislature. At each regular session, commencing in 1971, appropriations shall be made for the support of functions and activities of the state government for the next fiscal year."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on August 5, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual legislative sessions."

Austin, Texas

April 15, 19 69

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS,
to which was referred H.J.R. B. No. 8, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Chittin
Chairman

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ENROLLED

H.J.R. No. 8

HOUSE JOINT RESOLUTION

proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 5, Article III, Constitution of the State of Texas, as amended, be amended to read as follows:

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H.J.R. No. 8

"Regular sessions in even-numbered years, commencing in 1972, shall not exceed sixty days and shall be limited to legislation on the subjects of providing funds for the support of functions and activities of the state government and emergency matters submitted by the Governor in messages to the Legislature. At each regular session, commencing in 1971, appropriations shall be made for the support of functions and activities of the state government for the next fiscal year."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on August 5, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual legislative sessions."

Lieutenant Governor

Speaker of the House

I hereby certify that H.J.R. No. 8 was adopted by the House on April 15, 1969, by the following vote: Yeas 101, Nays 42.

Chief Clerk of the House

H.J.R. No. 8

I hereby certify that H.J.R. No. 8 was passed by the Senate
on April 15, 1969, by the following vote: Yeas 24, Nays 7.

Secretary of the Senate

APPROVED:

4-17-69

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

11:10 AM O'CLOCK

APR 17 1969

Secretary of State

H.J.R. No. 8 By Solomon
et al

HOUSE JOINT RESOLUTION

proposing an amendment to
Section 5, Article III, Constitu-
tion of the State of Texas, as
amended, to provide for annual
legislative sessions.

FILED FEB 4 1969

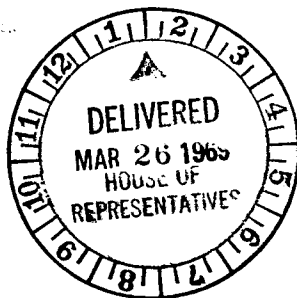
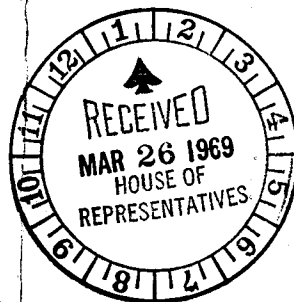
FEB 5 1969 READ 1st TIME
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 25 1969 REPORTED FAVORABLY SENT TO PRINTER



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 1:30 P.M. MAR 26 1969
(Time) (Date)

APR 1 1969

Postponed to 11:00 A.M.
April 8, 1969

Dorothy Hallman

Chief Clerk, House of Representatives

APR 8 1969 READ SECOND

TIME amended AND

ORDERED ENGROSSED By vote
of 99-ayes, 43 nays.

Dorothy Hallman

Chief Clerk, House of Representatives

APR 8 1969

MOTION TO RECONSIDER THE VOTE BY
WHICH HJR #8 to engrossment WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A non-record VOTE OF

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 8 1969 SENT TO ENGROSSING CLERK.

By: Solomon, Hinson, Wayne

H.J.R. No. 8

HOUSE JOINT RESOLUTION

proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions.

2- 4-69 Filed.

2- 5-69 Read first time and referred to Committee on Constitutional Amendments.

3-25-69 Reported favorably, sent to printer.

3-26-69 Printed, distributed and referred to Committee on Rules at 1:30 p.m.

4- 1-69 Postponed to 4-8-69 at 11:00 a.m.

4- 8-69 Read second time, amended and ordered engrossed by the following vote: Yeas 99, Nays 43.

Dorothy Hallman
Chief Clerk, H. of R.

4- 8-69 Sent to Engrossing Clerk.

4- 8-69 Engrossed.

Anna Suggins
Engrossing Clerk, H. of R.

APR 9 1969 RETURNED FROM ENGROSSING CLERK

APR 15 1969

Read third time
finally
and Passed

by following vote: yeas ~~100~~ 101

Nays 42

Dorothy Hallman
Chief Clerk

HOUSE OF REPRESENTATIVES

APR 15 1969

MOTION TO RECONSIDER THE VOTE BY
WHICH *H.J.R. # 8* WAS
ADOPTED PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED BY A *non-record* VOTE.

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 15 1969 SENT TO ENGROSSING CLERK RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

APR 15 1969 Received from the House

APR 15 1969 Read, referred to Committee on Constitutional Amendments

APR 15 1969 Reported favorably. _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 15 1969 Ordered not printed by vote of 25 yeas, 6 nays.

_____ ~~Regular order of business suspended by~~

(unanimous consent.

(_____ yeas, _____ nays.

APR 15 1969 To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of 24 yeas, 6 nays.

APR 15 1969 Read second time _____ passed to third reading.

_____ ~~Caption ordered amended to conform to body of bill.~~

_____ ~~Senate and Constitutional 3 Day Rules suspended by vote of~~

~~_____ yeas, _____ nays to place bill on third reading and final passage.~~

APR 15 1969 Read third time and passed by ~~(a viva voce vote.~~
(24 yeas, 7 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE APR 16 1969

Dorothy Hallman

Chief Clerk, House of Representatives

APR 16 1969 Returned to HOUSE

APR 16 1969 SENT TO ENROLLING CLERK